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TO : Examiner Hui

COMPANY/FIRM : U.S. Patent and Trademark Office

FACSIMILE NO.: (571) 273-0626

FROM : Gary J. Gershik/JBC

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 4

DATE : March 18, 2004 TIME:

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MESSAGE: Re: U.S. Serial No. 09/932,370

COURTESY COPY OF NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO THE BOARD OF PATENT APPEALS AND INTERFERENCES AND PETITION FOR THREE MONTH EXTENSION OF TIME in connection with Mitchell Shirvan and Meir Bialer, Use of Valproic Acid Amides and 2-Valproenic Acid Amides for the Treatment or Prevention of Pain and/or Headache Disorders

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Dkt. 62812-A/JPW/GJG/DJK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mitchell Shirvan and Meir Bialer
U.S. Serial No.: 09/932,370 Examiner: San-ming Hui
Filed : August 17, 2001 Group Art Unit: 1617
For : USE OF DERIVATIVES OF VALPROIC ACID AMIDES
AND 2-VALPROENIC ACID AMIDES FOR THE
TREATMENT OR PREVENTION OF PAIN AND/OR
HEADACHE DISORDERS

#11
AKO
4-6-04

1185 Avenue of the Americas
New York, New York 10036
December 18, 2003

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES AND
PETITION FOR THREE MONTH EXTENSION OF TIME

Applicants hereby appeal to the Board from the decision of the Examiner mailed June 18, 2003 finally rejecting the pending claims 1-3, 6-24, 26, 27, 30-45, 47-49, 52, 53, 55-73, 76, 77, 79-91 and 93-105 in connection with the above-identified application.

A response to the June 18, 2003 Final Office Action was originally due September 18, 2003.

Applicants are filing this Notice of Appeal and also petition for a three month extension of time to bring the subject application into pending status on the date of filing of this Notice of Appeal. Specifically, a response to the June 18, 2003 Final Office Action was due September 18, 2003. With a three month extension of time, a response to the June 18, 2003

fee Pd 12-24-03

Applicants : Mitchell Shirvan and Meir Bialer
U.S. Serial No.: 09/932,370
Filed : August 17, 2001
Page 2

Final Office Action is due December 18, 2003. The fee for a three month extension of time is \$950.00 and a check including this amount is enclosed. Therefore, a response to the June 18, 2003 Office Action is now due December 18, 2003 and this Notice of Appeal is being timely filed.

The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) for a large entity is \$330.00, which amount is also included in the enclosed check.

A check in the amount of \$1280.00 is enclosed to cover the \$330.00 fee for filing a Notice of Appeal and the \$950.00 for the three month extension. No other fee is deemed necessary in connection with the filing of this Notice. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Gary J. Gershik

<p>I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313</p> <p><i>Gary J. Gershik</i> 12/18/03 Date</p> <p>John P. White Reg. No. 28,678 Gary J. Gershik Reg. No. 39,992</p>	<p>John P. White Registration No. 28,678 Gary J. Gershik Registration No. 39,992 Attorneys for Applicants Cooper & Dunham LLP 1185 Avenue of the Americas New York, New York 10036 (212) 278-0400</p>
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FILE

Applicant Mitchell Shirvan and Meir Bialer
Client Teva (2609) File No. 62812-A JPW/GJG/DJK
Date December 18, 2003 Atty.

Kindly acknowledge receipt of the accompanying
**Notice Of Appeal From The Examiner's Decision To The Board
Of Patent Appeals And Interferences And Petition For Three
Month Extension** in connection with Mitchell Shirvan and Meir Bialer
for **USE OF DERIVATIVES OF VALPROIC ACID AMIDES AND
2-VALPROENIC ACID AMIDES FOR THE TREATMENT OR
PREVENTION OF PAIN AND/OR HEADACHE DISORDERS, U.S.**
Serial No. 09/932,370, filed August 17, 2001, including a check for
\$1280.00 and Certificate of Mailing dated December 18, 2003.

Date Due: December 18, 2003
by placing your receiving date stamp hereon and returning to us.

Print Date: 12/18/03 *MPL*
Applicant Mitchell Shirvan and Meir Bialer
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